



Mayor & Council of Berlin

10 William Street
Berlin, MD 21811
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www.berlinmd.gov



GENERAL INFORMATION ON SUBMITTING PROPOSALS

In addition to information and/or other instructions contained elsewhere in this document, the following shall apply.

A. Exceptions

1. All proposals are subject to the terms and conditions outlined herein. All responses shall be controlled by such terms and conditions and the submission of other terms and conditions, price lists, catalogs, and/or other documents as part of a Contractor's response will be waived and have no effect either on this RFP or any contract that may be awarded resulting from this solicitation. Contractor specifically agrees to the conditions set forth in this paragraph by signature to the proposal.
2. **Competitive Offer**
 - a. The signer of any proposal submitted in response to this RFP hereby certifies under penalty of perjury that this proposal has not been arrived at collusively or otherwise in violation of either Federal or Maryland antitrust laws.
3. **Oral Explanations**
 - a. The Town shall not be bound by oral explanations or instructions given at any time during the competitive process or after award.
4. **References to Other Data**
 - a. Only information which is received in response to this RFP will be evaluated. Reference to information previously submitted shall not be evaluated.
5. **Elaborate Proposals**
 - a. Elaborate proposals in the form of brochures or other presentations beyond that necessary to present a complete and effective proposal are not desired.
6. **Cost for Proposal Preparation**
 - a. Any costs incurred by Contractors in preparing or submitting offers are the Contractors' sole responsibility. Berlin will not reimburse any Contractor for any costs incurred prior to award.
7. **Time for Acceptance**
 - a. Each proposal shall state that it is a firm offer which may be accepted within a period of 120 days. Although the Contract is expected to be awarded prior to that time, the 120 day period is requested to allow for unforeseen delays.

8. Titles

- a. Titles and headings in this RFP and any subsequent contract are for convenience only and shall have no binding force or effect.

9. Confidentiality of Proposals

- a. In submitting its proposal, the Contractor agrees not to discuss or otherwise reveal the contents of the proposal to any source outside of Berlin, government or private, until after the award of the Contract. Contractors not in compliance with this provision may be disqualified, at the option of Berlin, from contract award. Only discussions authorized by Berlin are exempt from this provision.

10. Right to Submitted Material

- a. All responses, inquiries, or correspondence relating to or in reference to the RFP, and all other reports, charts, displays, schedules, exhibits, and other documentation submitted by the Contractors shall become the property of Berlin when received.

11. Insurance

- a. The Contractor shall provide with their proposal proof of insurance as per these specifications.

12. Format

- a. All proposals will be prepared with a straightforward, concise delineation of the proposal to satisfy the requirements of the RFP. Proposals are to be written to correspond to and are identified with the terms of this RFP.
- b. All proposals must provide a detailed cost as outlined in this RFP.

13. Independent Contractor

- a. The Contractor shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or will secure, at its own expense, all personnel required in performing the services under this Contract. Such employees shall not be employees of, or have any individual contractual relationship with Berlin.

14. Key Personnel

- a. The Contractor shall not substitute key personnel assigned to the performance of this Contract without prior written authorization by Berlin. The individuals designated as key personnel for purposes of this Contract are those specified in the Contractor's proposal.

B. Evaluation Procedure

- 1. Berlin reserves the right to assign, at its sole discretion, appropriate staff to evaluate the proposals submitted. Berlin may also consult with other independent contractors of Berlin; such contractors shall be excluded from submission and consideration of proposals under this Request for Proposals.
- 2. Berlin may waive any informalities or minor defects or reject any and all bids.

3. Should there be reasons why the contract cannot be awarded within the specified period; the time may be extended by mutual agreement between the Berlin and the bidder.
4. Berlin reserves the right to proceed with one or more of the following:
 - a. Delete all or a portion of an individual bid item or items and award to the low base bid. Bid items will be amended by change order.
 - b. Appropriate additional funds.
 - c. Reject all bids.
 - d. Negotiate price down with the low bidder or tied bidders by modification to the project scope.
5. Bidders must satisfy themselves of the accuracy of the estimated quantities in the bid schedule by examination of the site and review of the specifications. After bids have been submitted, the bidder shall not assert that there was a misunderstanding concerning the quantities of work or of the nature of the work to be done.
6. Recommendation will be forwarded to the Mayor and Council of Berlin for action. Acceptance of any proposal is the prerogative of the Mayor and Council of the Town of Berlin, Maryland.
7. During the evaluation process, the Contractor may be asked to attend one or more interviews with Town designated personnel or other individuals and/or conduct one or more demonstrations to Town staff and other individuals. Where appropriate, such demonstrations may be conducted electronically rather than in person.
8. Where applicable, submitters must be current on all Town-due payments, including, but not necessarily limited to, real and personal property taxes, utilities, agreements of any nature and miscellaneous payables. At the discretion of the Town, this condition may be extended to payables owed to Worcester County and/or the State of Maryland. Submitters with past due balances may, at the discretion of the Town, be automatically disqualified from participating in the process and their proposal rejected without further consideration.